

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

JOHN UNTERSCHINE AND ANN UNTERSCHINE

PLAINTIFFS

V.

CIVIL ACTION NO. 1:06cv104-LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY

DEFENDANT

ORDER

This order partially disposes of Defendant's [27] Motion for Partial Summary Judgment. Plaintiffs in their [37] response do not oppose partial summary judgment being entered on the issue of fiduciary duty. Thus, to the extent that Plaintiffs confess that partial summary judgment is appropriate on this theory of recovery, it will be granted. Otherwise, the Court reserves a ruling on Defendant's Motion for Partial Summary Judgment on the issue of extra-contractual and punitive damages.

Accordingly, **IT IS ORDERED:**

Defendant's [27] Motion for Partial Summary Judgment as to any claims made by Plaintiffs based on breach of a fiduciary duty is **GRANTED**.

SO ORDERED this the 12th day of February, 2007.

s/ L. T. Senter, Jr.

L. T. Senter, Jr.
Senior Judge